

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

R. TAYLOR SPEER,

Plaintiff,

v.

Lakeview Loan Servicing, LLC and LoanCare,
LLC,

Defendants.

Case No.

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(A) –
FEDERAL QUESTION**

DEFENDANT’S NOTICE OF REMOVAL TO FEDERAL COURT

TO: HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA, GREENVILLE DIVISION

Defendant LoanCare, LLC (“LoanCare”) notifies the Court pursuant to 28 U.S.C. § 1441(a) that it has this day removed the state court action described below from the Court of Common Pleas, County of Greenville, South Carolina to this Court. In support of its removal, the LoanCare submits this notice. Removal is based on federal question jurisdiction as the Plaintiff raises claims to the Real Estate Settlement Procedures Act, 12 U.S.C. 2601, et seq.

BACKGROUND

1. This action was originally filed in the Court of Common Pleas, Greenville County, South Carolina on September 23, 2019. A copy of the complaint and all process, pleadings, and orders served upon Defendant are attached hereto as **Exhibit 1**.

2. Defendant LoanCare was served with a summons and complaint on October 4, 2019, therefore, pursuant to 28 U.S.C. § 1446(b)(1) and (b)(2)(B) removal is timely.

3. This action is removable to federal court pursuant to 28 U.S.C. § 1441(a) because it could have been filed originally in this Court pursuant to the jurisdiction conferred by 28 U.S.C. § 1331.

FEDERAL QUESTION JURISDICTION

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331 because Plaintiff seeks relief from a violation of the Real Estate Settlement Procedures Act, 12 U.S.C. 2601, et seq., over which this Court has jurisdiction.

VENUE

5. Venue for removal is proper in this district and division pursuant to 28 U.S.C. § 1441(a) because this district and division embraces the Court of Common Pleas for Greenville County, South Carolina, the forum in which the removed action was pending.

THE OTHER PREREQUISITES FOR REMOVAL ARE SATISFIED

6. Pursuant to 28 U.S.C. § 1446(a), the contents of **Exhibit 1** constitute copies of all process, pleadings, and orders served upon Defendants in the action pending before the Court of Common Pleas for Greenville County, South Carolina.

7. Notice to the Court of Common Pleas for Greenville County, South Carolina, which includes a duplicate of this Notice of Removal to Federal Court, is being filed with the Court of Common Pleas for Greenville County, South Carolina as provided by 28 U.S.C. § 1446(d). A copy of this Notice is attached as **Exhibit 2**.

8. Written notice of the filing of this Notice of Removal will be sent to Plaintiff's counsel, the only adverse party, as provided in 28 U.S.C. § 1446(d). A copy of this notice is attached as **Exhibit 3**.

9. Defendant Lakeview Loan Servicing, LLC, through its undersigned counsel, consents to removal.

NON-WAIVER OF DEFENSES

9. By filing this Notice of Removal, LoanCare does not waive their rights to assert any defenses and/or objections to which it may be qualified to assert.

10. By filing this Notice of Removal, LoanCare does not admit any of the allegations in plaintiff's complaint.

{Signature on next page}

WHEREFORE, Defendant prays that the Complaint filed by Plaintiff in the Court of Common Pleas for Greenville County, South Carolina, be removed to this Court.

Respectfully submitted this 4th day of November, 2019.

/s/Alanna Beth Herman
Alanna Beth Herman (Fed ID #12998)
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Attorneys for Defendant LoanCare, LLC

Lakeview Loan Servicing, LLC CONSENTS:

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Attorneys for Defendant Lakeview Loan Servicing, LLC

CERTIFICATE OF SERVICE

This will certify service of a copy of the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT** by the CM/ECF online filing system with the U.S. District Court for the District of South Carolina, Greenville Division, which will automatically send email notification to all counsel of record and by U.S. Mail upon the following:

Dave Maxfield
Dave Maxfield, Attorney, LLC
P.O. Box 11865
Columbia, SC 29211

This 4th day of November, 2019.

/s/Alanna Beth Herman
Alanna Beth Herman (Fed ID #12998)
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